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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,726	12/04/2003	Pekka Kuure	800.0283.U1(US)	6915

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Harrington & SMith , Attorneys At Law, LLC
4 Research Drive, Suite 202
Shelton, CT 06484

EXAMINER
SMITH, JOSHUA Y

ART UNIT	PAPER NUMBER
2477	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 January 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires _3_ months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet.* (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _7,21 and 30_.
   Claim(s) rejected: _1-5,8-10,12-20,22 and 24-28_.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
    See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Chirag G Shah/
Supervisory Patent Examiner, Art Unit 2477

Continuation of 3. NOTE: The amendment of Claim 12 changes the scope of Claim 12 and requires further consideration and/or search.

Continuation of 11. does NOT place the application in condition for allowance because: The argument that Dorenbosch does not disclose sending the idle frames from a core network, and the written description distinguishes the core network from the base stations, and Dorenbosch discloses that the idle frames are transmitted by base station transceiver subsystems, is not persuasive. A person of ordinary skill in the art at the rime of the invention would consider a base station as part of a core network that is between user terminals, which can be considered network endpoints. The claims do not contain limitations clearly claiming the aspect of the written description that a core network does not include a base station.

The argument that the PTT_off from the remote unit of Dorenbosch simply indicates that the PTT button of that remote unit is released (paragraph [0023]), thus the PTT_off is clearly not indicating end of speech samples, is not persuasive. The user in Dorenbosch releases a push-to-talk button when the user is no longer talking and the push-to-talk button no longer needs to be pushed, and this causes the sending of a PTT_off indication. As a result, the PTT_off indication provides an indication that the user is no longer transmitting voice frames, and this is substantively the same as indicating an end of speech samples. Although the written description may contain aspects of indicating an end of speech samples with respect to the voice sampling of a user's voice that may not be taught by the combination of Dorenbosch and Kuita, these aspects are not clearly claimed in the limitations of the claims.

The argument that Dorenbosch does not disclose sending idle frames for a duration that a new uplink can be established utilizing at least one downlink from a core network, and according to Dorenbosch the idle frames are meant to preserve the link power control, and therefore, the idle frames are seen to operate at a lower layer altogether than is required for post-speech packets sent from a core network, is not persuasive. Preserving link power control is related to preserving a link since insufficient power control can cause a link to break if a signal becomes too weak due to increasing distances or due to increasing interference or noise. Preserving link power control suggests that control of a link's resources is maintained. In addition, such link power control can be considered a part of the data-link layer or MAC layer, since these layers can be involved with the point-to-point aspects of a communication and the error control of a communication. In addition, the claims do not contain limitations clearly claiming how post-speech packets operate in relation to a layer in the OSI model or the TCP/IP model that is clearly not taught in the Dorenbosch reference. The examiner notes that in paragraphs [0023], [0024], [0028] and [0029] and in FIG. 3 of Dorenbosch, a hang timer is uses to delay the release of link resources for a user's link, after which the link resources are released. This suggests that the sending of idle frames to preserve the link power control is stopped since the link, and any power control of the link, will stop existing for a time when no resources are allocated to the link, and the ceasing of idle frame transmissions is part of the deallocation of link resources, since idle frame transmissions occupy the link resources, are part of controlling the link resources, and are part of controlling the link. Although the written description may contain aspects of how network devices control and respond to the transmission and reception of post-speech packets that may not be taught by the combination of Dorenbosch and Kuita, these aspects are not clearly claimed in the limitations of the claims.

The argument that the base station transceiver subsystem of Dorenbosch is not aware of any data concerning a subscriber at the other end of a connection, is not persuasive. A base station transceiver subsystem may be sending idle frames, but it is part of a whole base station, and the base station as a whole control links and utilizes the base station transceiver subsystem, and a base station certainly has a memory that is aware of data concerning a subscriber at the other end of a connection, specifically, data concerning the subscriber's remote unit.

The argument that substantive data such as the Kuita subscriber concerning the subscriber would need to be transmitted on a higher layer (e.g., a data layer) than the Dorenbosch idle frames for preserving power control which would be sent on a lower layer (e.g., a physical layer), is not persuasive. Methods utilized on one protocol layer does not exclude their utilization on other layers, such as error control methods or error correction methods, which can be utilized on any layer or more than one layer at the same time, and where such utilization is restricted and influenced in design by processing time and resource consumption, not by the layers themselves.